

出國報告（出國類別：其他）

內政部警政署保安警察第二總隊從事兩岸交流活動（參加會議）報告

服務機關：內政部警政署保安警察第二總隊

姓名職稱：黃榮清總隊長

派赴國家：澳門

出國期間：102年7月8日至102年7月10日

報告日期：102年7月25日

摘要

大中華區兩岸四地著作權暨網路犯罪研討會 (Greater China Enforcement Symposium) 於本(102)年 7 月 9 日星期二上午 9 時至 12 時 30 分，假澳門特別行政區澳門路氹連貫公路新濠天地君悅酒店 2 樓舉行。本次主辦單位為香港國際影視協會，該協會係美國電影協會 (Motion Pictures Association of America) 香港地區代表處，邀請臺灣、大陸、香港、澳門等兩岸四地執法單位及相關人士與會參加，會中除報告兩岸四地執行取締違反智慧財產權案件成果外，並期望建立兩岸協處機制，雙方業務主管部門人員進行工作會晤、人員互訪交換相關資料及查緝經驗交流合作，共同打擊跨境侵權犯罪；並建立境外聯繫窗口，建置雙方有關仿冒商標、著作權聯繫窗口機制，建構侵權者之相關資料庫，以縮短聯繫與查緝時程，有效減少侵權犯罪之發生。

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內政部警政署 從事兩岸交流活動(參加會議)報告 保安警察第二總隊

壹、交流活動基本資料

一、活動名稱：

兩岸四地著作權暨網路犯罪研討會

二、活動日期：

102年7月8日至7月10日

三、主辦(或接待)單位：

社團法人台灣著作權保護協會

四、報告撰寫人服務單位：

內政部警政署保安警察第二總隊

貳、活動(會議)重點

一、活動性質

因網路科技日新月異，盜版侵權活動正利用網路進行違法活動，不斷地掠奪著作權權利人的利益，由於侵權行為不是一個國家或是地區各自存在的問題，而是利用網路在世界不同國家或地區進行犯罪活動。侵權行為人透過網路將侵權物品推廣及銷售到世界各地，利用網路將盜版歌曲、影片及電腦遊戲在網路上肆意上傳、下載，從中獲取不法暴利，損害權利人利益，因此，藉由此研討會之平臺，讓各地執法部門之間持續不斷溝通，進行信息情報互換，不讓侵權行為人逍遙法外。此外，權利人或代表與執法部門保持良好的溝通亦是打擊侵權活動的重要環節，大家齊聚一起共同商議打擊盜版侵權活動的有效策略，並針對各自面對的挑戰與困難，互相參考借鏡其他執法部門所執行的有效法例及措施，以期不斷改善及提昇執法效能。

二、活動內容

大中華區兩岸四地著作權暨網路犯罪研討會(Greater China Enforcement Symposium)於本(102)年7月9日星期二上午9時至12時30分，假澳門特別行

政區澳門路氹連貫公路新濠天地君悅酒店 2 樓舉行。本次主辦單位為香港國際影視協會，該協會係美國電影協會(Motion Pictures Association of America)香港地區代表處，邀請臺灣、大陸、香港、澳門等兩岸四地執法單位及相關人士與會參加，會中除報告兩岸四地執行取締違反智慧財產權案件成果外，另針對互聯網(Internet)所帶來的衝擊進行探討。

三、遭遇之問題

- (一) 傳統著作利用型態非常單純，通常係由著作權人從事創作後，自行將著作銷售至著作市場，或將著作授權或讓與給著作推廣或散布者(如：出版社、音樂公司、電影公司等)，由這些機構進行著作的重製、加值、行銷等，由著作重製物之銷售獲取商業利益。故傳統著作權人獲取報酬方式，係透過著作重製物的重製、銷售獲取報酬，或是透過授權或讓與給著作推廣、散布者的方式取得報酬。
- (二) 然因科技逐漸普及，著作權重製設備興起加速著作物流通，如：公共場所、餐廳播放音樂、公司行號利用影印機進行重製等；此時著作利用與報酬取得產生二個問題，第一是著作權人無法向所有著作利用人一一行使權利，因為著作利用人數目非常龐大，無法逐一查訪著作利用人是否利用著作，縱然可以證明也無法逐一加以追討，而且此種情形並非透過著作重製物的銷售所能控制；第二則是部分商業性質的著作利用人(尤其是廣播、電視等)，因為所利用的著作數量過於龐大，牽涉著作權人非常多，與個別著作權人洽談授權成本可能遠高於取得授權所能獲得之利益，故要求其向個別著作權人取得合法授權之期待可能性非常小。
- (三) 為避免商業性質著作利用人未取得合法授權即行利用著作，將違反著作權法造成著作權人之損害，以及避免著作權人在法律上的權利，實質上行使有困難，導致著作權人無法獲取合理報酬，致著作權制度之目的無法達成。因此，制度上出現新的著作權行使的型態，即是透過著作權集體管理團體(我國稱著作權仲介團體)來行使著作權人之權利。由著作權集體管理團體取得多數著作權人授權後，批次(概括)授權給商業性質的著作利用人，並且代替著作

權人向未取得授權即行利用之人就著作權侵害所造成的損失追索賠償，以降低著作交易成本，落實著作權之保護及報酬取得之權利。

(四) 進入網際網路時代(Internet Age)後，除少部分網路上商業性質的利用人仍循傳統管道向著作權人取得合法授權供使用者利用外，網際網路上的著作重製物，多半是來自終端用戶(end user)自著作交易市場取得著作重製物後，在未經著作權人合法授權下，自行將著作重製物數位化，上傳至網際網路與其他使用者進行傳輸、交換的活動，此舉使得多數非商業性質的著作利用人，不再需要透過傳統著作交易市場取得著作重製物，此種著作取得之管道打破傳統以來所建立的著作權市場價值鏈，使著作權人面臨嚴峻的挑戰。

(五) 綜上，當前著作權人及執法部門所面臨的智慧財產侵權案件係來自世界各地，只要有網際網路的地區，只要有使用者取得著作重製物，將其數位化後上傳，著作人即遭受極大的損失。再者，犯罪者(criminals)可能位於國內或國外；使用的電腦(檔案存放位置；file hosting)可能位於國內或國外；使用的電子郵件(email)可能向國內或是國外申請；登記者或註冊者(register or registrar)可能位於國內或國外，因此執法部門跨境的挑戰排列組合如下：

執法部門跨境的挑戰排列組合如下：

電腦	罪犯	登記人	電子郵件
本國	本國	本國	本國
本國	本國	本國	海外
本國	本國	海外	本國
本國	海外	本國	本國
本國	本國	海外	海外
本國	海外	本國	海外
本國	海外	海外	本國
本國	海外	海外	海外

海外	本國	本國	本國
海外	本國	本國	海外
海外	本國	海外	本國
海外	本國	海外	海外
海外	海外	本國	本國
海外	海外	本國	海外
海外	海外	海外	本國
海外	海外	海外	海外

上列排列組合存在跨境犯罪的可能數，若以數學算式說明，則等於 $2^n - 2$ /

2^n ，n 代表調查資料數量。上述案例調查數量=4，所以跨境犯罪的可能數：87.5%，而執法部門僅能針對其餘 12.5%的犯罪進行「有效」的偵辦。

四、我方因應方法及效果

(一) 網路科技從傳統式的主從式架構¹(Client-Server Model)，變成點對點科技²(Peer to Peer Network)，再到網路儲存(File-Hosting Sites or Cyberlocker)，演變成現在的雲端運算(Cloud Computing)，在在顯示科技日新月異。因為目前雲端運算時代，處理數據量(Data Amount)大、數據多樣性(Data Diversity)多元、數據傳送及處理速度(Data Velocity)快，反倒造成跨境犯罪(Transnational Crime)增加，使執法部門的執法效率(Enforcement Effectiveness)下滑，顯示各國執法部門應針對此問題進行溝通、研商，以有效遏阻跨境犯罪。

(二) 我國執法部門在處理著作權侵權案件中，常發現侵權係源自於大陸地區(境外 IP)，然礙於兩岸著作權執法機關之間，並無相關情資交換之機制，致此

¹主從式架構係從客戶端 (Client)與伺服器 (Server) 區分開來。每一個客戶端軟體都可以向一個伺服器或應用程序伺服器發出請求。例如，當你在某個網站閱讀文章時，個人電腦和網頁瀏覽器就被當做一個客戶端，同時，組成這個網站的電腦、資料庫和應用程序就被當做伺服器。當用戶的網頁瀏覽器向這個網站請求一個指定的文章時，網站伺服器從的資料庫中找出所有該文章需要的信息，結合成一個網頁，再發送回你的瀏覽器。

²點對點網路是無中心伺服器、依靠使用者群 (peers) 交換資訊的網際網路體系。與有主從式網路架構系統不同，點對點網路的每個使用者端既是一個節點，也有伺服器的功能，任何一個節點無法直接找到其他節點，必須依靠其戶群進行資訊交流。

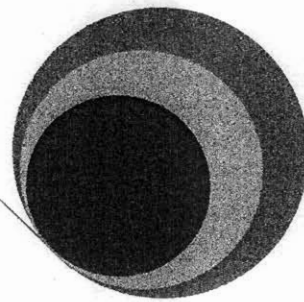
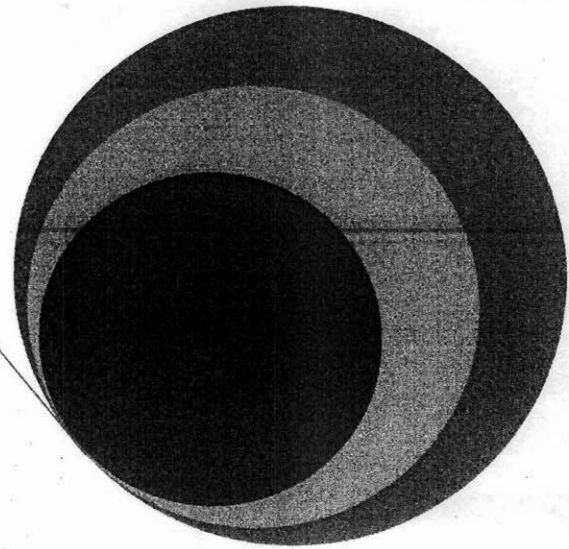
類情資無法續行處理，違法侵權者依然逍遙法外。目前處理前述跨境侵權案件，係依經濟部智慧財產局 100 年 11 月 25 日智著字第 10016003900 號函辦理，該函文係轉知 2011 年 8 月間與大陸著作權工作組工作會晤紀錄。其進一步指示，爾後查緝侵害智慧財產權案件如遇網站 IP 位址於大陸地區，陳報相關資料至本總隊轉陳警政署彙整，函請經濟部智慧財產局轉中國大陸國家版權局查處。爰此，在現有海峽兩岸智慧財產權合作保護協議(IPR)第 7 條之協處機制下，建立兩岸著作權執法機關之情資交換機制，以有效遏止兩岸著作權侵權之問題。

五、心得及建議

- (一) 兩岸執法部門應對目前侵害影音出版及相關文創產品著作權之情形有具體措施，以落實兩岸智慧財產權保護合作協議中對協處機制的具體規定。這是因為兩岸同文同種，使得兩岸間與著作權攸關的影音出版與文創產品得以很容易的被對方的民眾所接受，例如台灣創作之偶像劇、歌曲在大陸受到歡迎。同樣的，大陸創作的連續劇(ex:甄環傳)與選秀節目(ex:我是歌手、好聲音)也受到台灣民眾的喜愛。台灣業者都是以購買版權（取得授權）的方式為之，但是相對的，許多台灣的文創產品卻在大陸透過網路方式而受到廣泛的侵害。雖說著作權屬於私權，應該由權利人主動為之，但是由於侵權網站眾多，若要求權利人一一自行為之，恐力有未逮。
- (二) 兩岸 IPR 協議第 7 條第 1 項明文規定：雙方同意建立執法協處機制，雙方並同意打擊盜版及仿冒，特別是查處經由網路提供或說明提供盜版圖書、影音（音像）及電腦程式（軟體）等侵權網站，以及在市場流通的盜版及仿冒品。「特別是查處」似意味此等規範乃係對雙方主管機關的規範，而非僅對權利人規範。因此，兩岸間也應對台灣影音出版及相關文創產品之著作權保護問題進一步協商更具體的作法，方能落實兩岸 IPR 協議之執法協處機制的規範。
- (三) 定期召開兩岸研討會，透過「海峽兩岸共同打擊犯罪及司法互助協議」、「海峽兩岸智慧財產權保護合作協議」，建立協處制，雙方業務主管部門人員進行

工作會晤、人員互訪交換相關資料及查緝經驗交流合作，共同打擊跨境侵權犯罪；並建立境外聯繫窗口，建置雙方有關仿冒商標、著作權聯繫窗口機制，建構侵權者之相關資料庫，以縮短聯繫與查緝時程，有效減少侵權犯罪之發生。

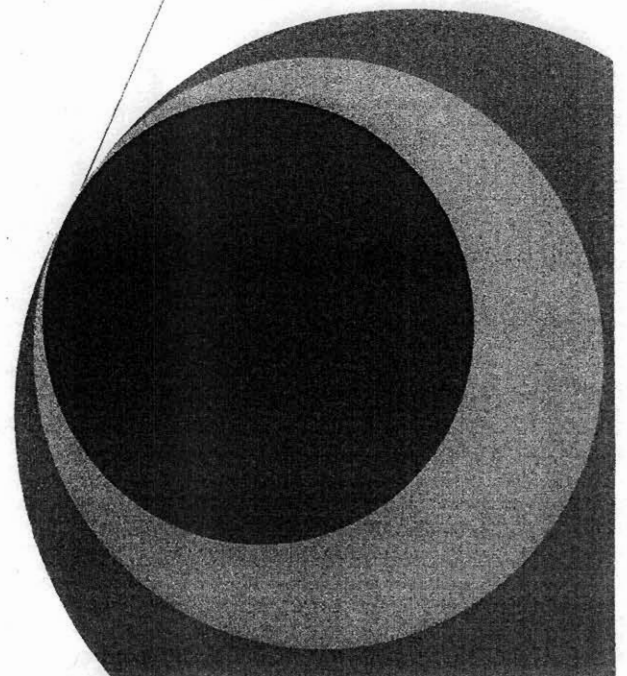
參、會議資料（附件）



Greater China Enforcement Symposium

- **Schedule**
- **Keynote Speeches / Presentations**
- **Bios**

**July 9, 2013
Macau**



Greater China Enforcement Symposium
大中華執法研討會

9 July 2013 (Tuesday)
2013年7月9日(星期二)

09:00 – 12:30 hours
上午九時至十二時三十分

Salon III Level 2 Grand Hyatt Macau, City of Dreams, Estrada do Istmo, Cotai, Macau
澳門路氹連貫公路新濠天地澳門君悅酒店2樓 - Salon III

Agenda 議程

- 08:30 Registration 登記
- 09:00 Opening Address by Ryan Murray, Director of Content Protection, Asia/Pacific, MPA
美國電影協會亞太區內容保護總監 Ryan Murray 致開幕辭
- 09:15 Speech by Simon Ng, Assistant Director –General, Macao Customs
澳門海關助理關長吳國慶致辭
- 09:25 Keynote Speech by Yang Mengdong, Deputy Director General of Anti-Illegal & Illicit
Publication Department, the State Administration of Press, Publication, Radio, Film &
Television
國家新聞出版廣電總局反非法與違禁出版物司副司長楊夢東致辭
- 09:40 Speech by Michael Kwan, Group Head, Intellectual Property Investigation Bureau, Hong
Kong Customs
香港海關版權及商標調查(行動)課監督關煜群致辭
- 09:55 Speech by Huang Rong-ching, Director General, the Second Security Police
台灣保二總隊總隊長黃榮清致辭
- 10:10 Group Photo 拍攝團體照
- 10:15 Tea Break 茶歇
- 10:30 Panel Discussion: Opportunities and Risks for the content protection in the Cloud Era
小組討論：內容保護在雲端年代中的機會與風險
- Moderator: Yang Mengdong
主持： Deputy Director General of Anti-Illegal & Illicit Publication
Department, the State Administration of Press, Publication, Radio,
Film & Television
國家新聞出版廣電總局反非法與違禁出版物司副司長楊夢東
- Panelists: 1. Wang Ying'ou
小組成員： Director General of Beijing Cultural Law Enforcement Task Force
北京市文化市場行政執法總隊總隊長王英偶
- (Presentation material must be in Chinese and English.) 2. Michael Kwan
Group Head, Intellectual Property Investigation Bureau, Hong
Kong Customs
香港海關版權及商標調查(行動)課監督關煜群
- (簡報請以中

文及英文對
照。)

3. Alan Ao
Senior Technician, Information and Communication Technology
Department
資訊通訊廳高級技術人區偉麟
4. Chen Jyh-jong
Deputy Commander, Intellectual Property Rights Police (the First
Squadron of the Second Security Police)
保智大隊副大隊長陳志忠
5. William Feng
Chief Representative, Motion Picture Association (China)
美國電影協會中國區總裁、首席代表馮偉

* This session will be conducted in Mandarin / 此環節以普通話進行

11:45 Intermediate Strategy: Introduction by William Feng, Chief Representative, Motion
Picture Association (China)
由美國電影協會中國區總裁、首席代表馮偉介紹中介策略

12:00 Roundtable Discussion: Coordination and Cooperation in the region-wide parallel
operations
圓桌討論：大中華區內雙邊行動之協調與合作

Moderator: Sam Ho
主持： Executive Director & General Manager, Hong Kong International Screen
Association Limited
香港國際影視協會執行長兼總經理何偉雄

* This session will be conducted in Mandarin and English / 此環節以普通話及英語進行

12:30 End 完結

12:35 Lunch at Grand Hyatt Macau
午餐於澳門君悅酒店



澳門特別行政區政府
Governo da Região Administrativa Especial de Macau
海關
Serviços de Alfândega

早晨：各位尊敬的來賓、女仕們、先生們、大家好！

澳門近年已發展成為國際大都會和亦漸漸形成旅遊休閒娛樂中心，每年前來購物消費旅客續年增加，去年我們接待了二千八百萬旅客。海關作為保護知識產權的執法部門，肩負著對社會的一份使命和承諾。很榮幸獲國際反盜版協會，大中華區營運董事何偉雄先生的邀請，出席由國際版權保護協會在澳門舉行的“大中華執法研討會”，共同相議打擊盜版，保護知識產權。藉此機會讓我們能與鄰近地區的朋友，包括內地的執法部門、台灣執法部門、香港海關、美國電影協會、主辦機構國際版權保護協會、香港互聯網供應商協會及香港 I.T 界的專業人士等，共同分享在網絡資訊方面的最新情況及最新趨勢。

互聯網絡資訊日新月異，未來是網絡的世界，盜版侵權活動仍然繼續利用互聯網進行違法活動，不斷地略奪版權權利人的利益，由於盜版侵權活動不是一個國家或地區各自存在的問題，而是利用互聯網在世界不同國家或地區進行犯罪活動，尤其互聯網上的盜版侵權活動尤為明顯。違法者透過互聯網將侵權物品推廣及銷售到世界各地，利用互聯網將盜版的電影、歌曲及電腦遊戲在網上肆意上下載，從中獲取不法金錢，嚴重損害權利人的利益，他們以利用科技試圖逃避警方調查及追捕。因此我們應當團結一致，共同合作，互相協助，打擊侵權違法活動。因此各地執法部門之



澳門特別行政區政府
Governo da Região Administrativa Especial de Macau
海關
Serviços de Alfândega

間保持持續不斷的溝通，信息情報的互換，不讓違法者逍遙法外。另外，執法部門之間與版權權利人或代表的溝通亦是十分重要的一環，因為只有版權權利人或代表才是最清楚被侵權的情況，因此版權權利人或代表與執法部門保持良好的溝通是打擊侵權活動的重要環節，正如國際版權保護協會大中華區今天舉行的研討會，是提供一個良好的溝通平台，讓各地區的一些保護知識產權執法部門與版權權利人或代表及相關機構能共聚一堂，共同相議打擊盜版侵權活動的有效策略，並針對各自面對的挑戰與困難，互相參考其他執法部門所執行的有效法例及措施，不斷改善及提升執法能力。另外，版權權利人或代表及相關機構，亦能因應各方所需，建立或提供有效保護自身權利的措施。與相關業界建立有效保護制度，互聯網服務供應商應如何限制侵犯版權的用戶等措施，亦是有效打擊盜版侵權活動的有效方法。正如國際版權保護協會大中華區與一些互聯網服務供應商保持良好的溝通，共同研究阻止利用互聯網進行盜版活動。

希望今天藉此良好機會，就大家關注的問題深入研究，分享及獲取在保護知識產權方面的相關知識，讓大家將來在保護知識產權的工作更富成效及成功。最後，我祝願今天的研討會將會完滿、成功！

謝謝各位

Fully Exert NAPP's Function Further Enhance Combat Against Piracy

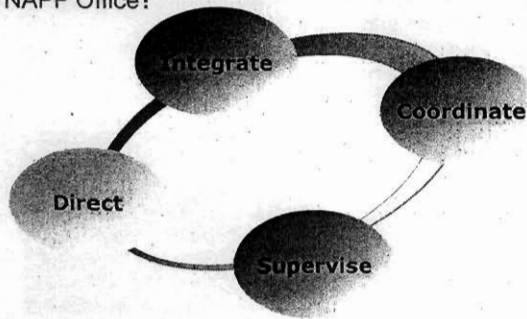
Yang Mengdong -- NAPP Office
July 9, 2013



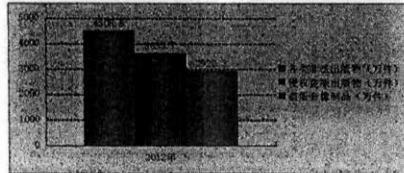
I. Fighting against piracy and protecting intellectual property have been the priorities of NAPP.



Function of
NAPP Office:



NAPP Office organizes and coordinates investigation and handling of cases involving illegal publications and illegal publishing activities, among which, the cases related to copyright infringement account for the majority. For example in 2012, among the total seizure of 450.88 million pieces of illegal publications, there were 363.57 million pieces of pirated publications including 299.23 million pieces of pirated audio-visual products.



II. NAPP and related enforcement agencies are determined to fight against copyright infringement, and have seen dramatic effect.

In 2012, by means of intensifying daily supervision and launching special campaigns, NAPP and related enforcement agencies investigated and handled 4,045 cases about copyright infringement, seized 30.85 million pieces of pirated publications (out of 40 million pieces of illegal publications). Comparing with the seizure of 36.36 million pieces of pirated publications in 2011, it indicated that the production and sale of pirated publications had dramatically dropped. We've seen notable purification of cultural environment on the Internet and visible improvement of publication market. With the persistent efforts, 3.59 million pieces of pirated publications were confiscated in Q1 this year, which presented the first sharp decline in the same period of recent years.

☆Crackdown on Internet piracy has been listed as one of the priorities in the Action Plan of 2013.



全国“扫黄打非”工作小组办公室

(I) Nationwide collective destructions of pirated publications have become an annual event of NAPP Office since 2004.



全国“扫黄打非”工作小组办公室

(II) Actively promote the anti-piracy operation on a regular basis and institutionalized

(III) Constantly enhance copyright administrative supervision

1. Conducted special campaign before the WIPO Diplomatic Conference on the Protection of Audiovisual Performances

2. Launch the 8th "Operation Sword" to combat copyright infringement over the Internet
★ Start proactive supervision on media on mobile phones

3. Further improve proactive supervision on video websites

全国“扫黄打非”工作小组办公室

WIPO Diplomatic Conference on the Protection of Audiovisual Performances



全国“扫黄打非”工作小组办公室

(VI) Enhance criminal enforcement and focus on supervision on major cases

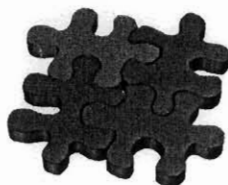
Case about www.siluhd.com



全国“扫黄打非”工作小组办公室

III、 Suggestions

1. Form mechanism
2. Improve enforcement cooperation



全国“扫黄打非”工作小组办公室
THE NATIONAL OFFICE OF ELIMINATING PORNOGRAPHY
AND ILLEGAL PUBLICATIONS WORKING COMMITTEE

Thank You!



充分發揮“掃黃打非”職能作用 進一步做好打擊盜版工作

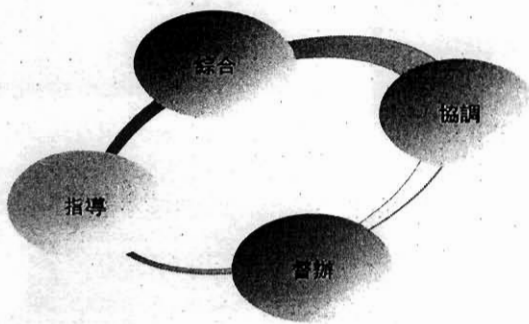
全國“掃黃打非”辦公室 楊夢東
2013年7月9日



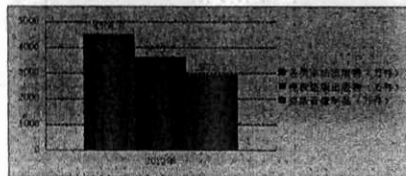
一、打擊盜版、保護知識產權 是“掃黃打非”歷來重要工作內容



我們的職能：



全國“掃黃打非”辦公室組織協調查處涉及非法出版物和非法出版活動的案件，絕大多數屬於侵權盜版案件。以2012年為例，全年共收繳各類非法出版物4508.8萬件，其中侵權盜版出版物3635.7萬件，而盜版音像製品就占了2992.3萬件



- 二、“掃黃打非”部門堅決打擊侵權盜版行為，取得重要成效。
- 2012年，“掃黃打非”工作以強化日常監管和開展並深化專項行動為主要抓手，堅決打擊侵權盜版等各種非法出版活動，全面開展督查工作，切實加大辦案力度，全年查辦侵權盜版案件4045起，收繳侵權盜版出版物3085萬餘件（非法出版物4000餘萬件）。制售侵權盜版出版物現象明顯減少（2011年為3636萬件），網路文化環境明顯淨化，出版物市場面貌明顯改觀。在持續的高壓態勢下，今年一季度全國收繳侵權盜版出版物359萬件，與往年同期相比，為近年來首次較大幅度下降。

☆同時將打擊網路侵權盜版作為工作重點之一。
今年《行動方案》已經列入。



全國“掃黃打非”工作小組辦公室

(一) 全國“掃黃打非”工作小組已連續十幾年每年舉行集中銷毀活動



全國“掃黃打非”工作小組辦公室

(二) 積極推動打擊侵權盜版工作常態化和制度化

(三) 不斷加大版權行政監管力度

1. 開展迎接世界知識產權組織保護音像表演外交會議專項治理行動。

2. 啟動第八次“劍網行動”，嚴厲打擊網路侵權盜版違法行為。

★ 啟動了手機媒體的主動監管工作。

3. 深入推進視頻網站主動監管工作。

全國“掃黃打非”工作小組辦公室

保護音像表演外交會議



全國“掃黃打非”工作小組辦公室

(四) 加大刑事打擊力度，重點督辦大案要案。

北京思路網案：

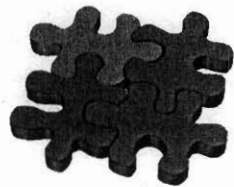


全國“掃黃打非”工作小組辦公室

三、建議

(一) 形成機制。

(二) 加強執法合作。



全國“掃黃打非”工作小組辦公室
THE NATIONAL OFFICE OF "ELIMINATING PORNOGRAPHY
AND ILLEGAL PUBLICATIONS" WORKING COMMITTEE

謝 謝!



臺灣執法經驗交流

與談人：總隊長黃榮清



大綱

- 壹、前言
- 貳、查緝侵權案件成果
- 參、偵查網路侵權瓶頸與挑戰
- 肆、建議
- 伍、結論

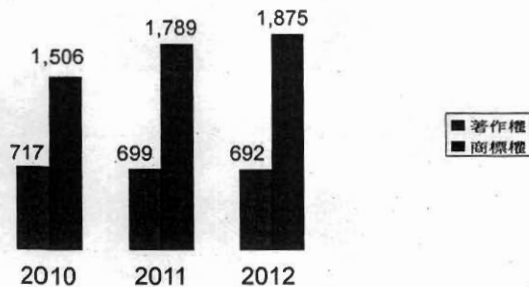
壹、前言

為落實保護智慧財產權政策，臺灣多年來經各機關協力執行，在遏止仿冒盜版、教育宣導、邊境管制、加強與國際交流等工作獲得顯著成果。自2009年起，美國已將臺灣從「特別301案」名單中除名；商業軟體聯盟(BSA)的報告亦指出，臺灣軟體盜版率在亞洲地區最低之國家排名第三，僅次於日本與新加坡，並已連續第五年下降，顯示臺灣在落實保護智慧財產權方面，已有卓著進展。

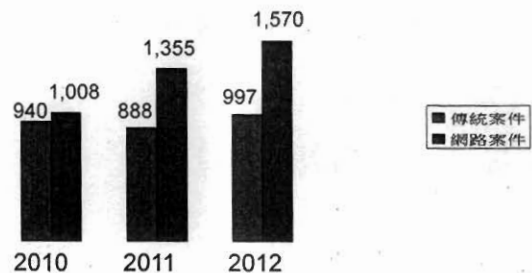
貳、查緝侵權案件成果



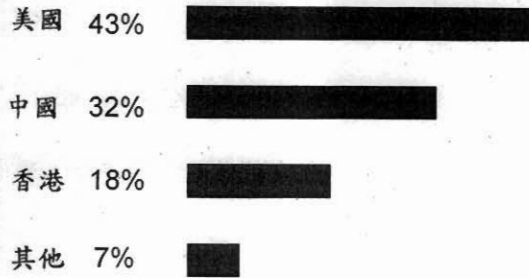
貳、查緝侵權案件成果



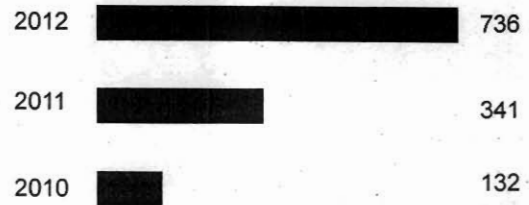
傳統案件 V.S 網路案件



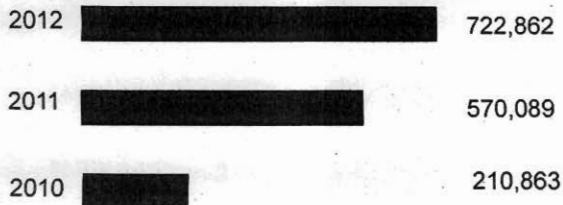
2010~2012年偵查網路侵權案件
網站架設於國外分析



查獲自大陸進口異常商品



查獲自大陸進口侵權物品數量

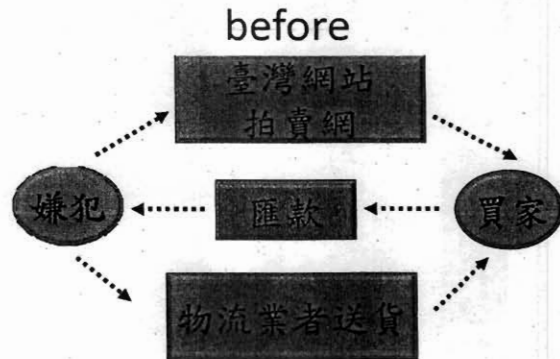


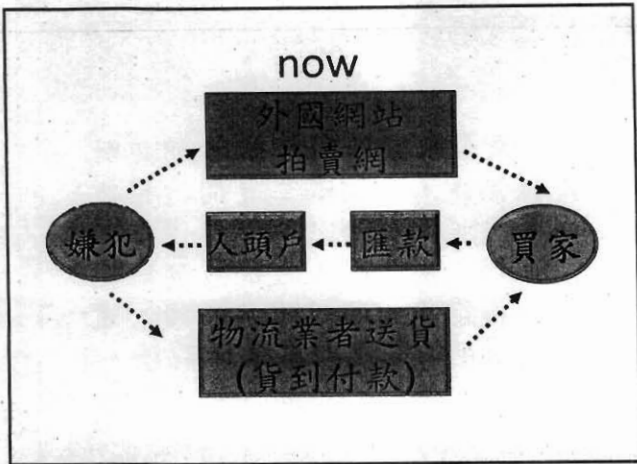
總查獲件數與查獲大陸進口商品比例



參、偵查網路侵權瓶頸與挑戰

- 一、網站設於境外
- 二、金流 & 物流
- 三、人頭帳戶氾濫





肆、建議

一、建立侵權情資交換機制

- 查緝執法人員在處理著作權侵權案件中，常發現侵權係源自於大陸地區(境外IP)，原礙於兩岸著作權執法機關之間，並無相關情資交換之機制，致此類情資無法續行處理，違法侵權者依然逍遙法外。
- 爰此，在現有海峽兩岸智慧財產權合作保護協議(IPR)第7條之協處機制下，建立兩岸著作權執法機關之情資交換機制，以有效遏止兩岸著作權侵權之問題。

三、具體落實IPR第7條協處機制規定

兩岸同文同種，使得兩岸間與著作權攸關的影音出版與文創產品得以很容易的被對方的民眾所接受，例如台灣創作之偶像劇、歌曲在大陸受到歡迎。同樣的，大陸創作的連續劇(ex:甄環傳)與選秀結目(ex:我是歌手、好聲音)也受到台灣民眾的喜愛。但是區別則在於台灣業者都是以購買版權(取得授權)的方式為之，但是相對的，許多台灣的文創產品卻在大陸透過網路方式而受到廣泛的侵害。

- 雖說著作權屬於私權，應該由權利人主動為之，但是由於侵權網站眾多，若要求權利人一一自行為之，力有未逮。
- 兩岸IPR協議第7條第1項明文規定：雙方同意建立執法協處機制，雙方並同意打擊盜版及仿冒，特別是查處經由網路提供或說明提供盜版圖書、影音(音像)及電腦程式(軟體)等侵權網站，以及在市場流通的盜版及仿冒品。

- 「特別是查處」似意味此等規範乃係對雙方主管機關的規範，而非僅對權利人規範。因此，兩岸間也應對台灣影音出版及相關文創產品之著作權保護問題進一步協商更具體的作法，方能落實兩岸IPR協議之執法協處機制的規範。

三、定期召開兩岸研討會

透過「海峽兩岸共同打擊犯罪及司法互助協議」及「海峽兩岸智慧財產權保護合作協議」，雙方應建立專門交換，共
 罪及司法互助協議、海峽兩岸共同打擊犯罪及司法互助協議、海峽兩岸智慧財產權保護合作協議、雙方應建立專門交換，共
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 罪及司法互助協議、海峽兩岸共同打擊犯罪及司法互助協議、海峽兩岸智慧財產權保護合作協議、雙方應建立專門交換，共

四、建立境外聯繫窗口機制

建立雙方有關仿冒商標、著作權聯繫窗口機制，建立侵權者之相關資料，縮短聯繫與查緝時程，有效減少侵權犯罪之發生。

伍、結論

未來我國將持續落實智慧財產權保護，加強兩岸共同打擊仿冒、盜版之執法工作，並進行交流合作，使兩岸人民的智慧財產權益獲得妥適的保障與維護，建構優質的智慧財產權保護環境。

報告完畢



关于破获国内首例网络盗版数字高清影视、 游戏和音乐作品案有关情况

一、基本案情

2013年4月24日，北京市文化市场行政执法总队会同市公安局海淀分局成功破获国内首例网络盗版数字高清影视、游戏和音乐作品案，抓获周志全、苏立源等犯罪嫌疑人11人。

2013年初，总队执法人员在检查中发现“思路网”（www.siluhd.com）涉嫌传播盗版高清影视、游戏及音乐作品，该网站自称是“中国数字高清第一门户网站”，在业内享有极高知名度。该案盗版侵权作品多、违法情节严重、经营数额高，已达到移送司法机关追究刑事责任标准，2月27日，由总队牵头成立“2·27”专案组，将该案移交海淀公安机关，并会同公安部门进行联合查处。

经查证，“思路网”注册会员达40余万人，用户每月缴纳50元会费，便可随意下载各种蓝光高清盗版影视、游戏和音乐作品。该网站提供《舌尖上的中国》、《泰囧》、《十二生肖》等国内外知名高清影视剧、音乐专辑、游戏等涉嫌侵权作品31600余部，累计下载量达2000余万次。其中，中央电视台制作的《舌尖上的中国》累计下载次数达43万余次。

“思路网”犯罪团伙主犯周志全，其在北京注册开办心田一品科技有限责任公司，公司有员工7人，网站专兼职管理人员达140余人，涉及淘宝网店2家、网下实体店2家。网站内上传者涉及美国、日本等多个国家和地区，每天有上万人在线。该公司通过“网站、论坛、站

点”三级，利用 PT (Private Tracker 私用种子服务器) 技术，传播国内外知名数字高清影视剧、游戏、音乐等未经权利人授权的作品，并以网站为载体开办淘宝店销售邀请码和 VIP 充值卡、高清播放机及台式机硬盘等周边外设设备，获取高额利润。

该公司运营基本涵盖了互联网大部分经营模式，网上网下结合，通过广告收入、硬件销售、用户捐赠、会员注册及充值获取巨额收益。此外，网站不仅提供大量侵权盗版作品，还提供淫秽色情和低俗影片，共涉嫌侵权盗版、传播淫秽色情物品和非法经营等 3 类违法行为。

在全国范围内，执法部门还未曾办理过网络盗版数字高清影视类案件，该案的查处为全国首例，涉及的侵权作品质量高、数量多、传播方式隐蔽。目前该案已被列为 2013 年全国“扫黄打非”工作小组挂牌督办重点案件。

4 月 24 日，在总队配合下，海淀分局派出 6 组干警分别赴嫌疑人的经营场所、居住地和服务器所在地实施抓捕行动，并采取各种技术措施固定网络证据。

5 月 6 日，总队将该案移送嫌犯情况向北京市人民检察院第一分院进行抄备。5 月 12 日，经公安部门鉴定，“思路网”提供的《罗马帝国艳情史》、《贝多芬小姐的启蒙》等影片为淫秽色情影片。

目前，该案预审工作仍在进行。

二、社会影响

在公安机关和检察机关的密切协作下，在中央电视台等权利人的积极配合下，该案已经取得初步成果。案件的查处沉重打击国内网络盗版侵权行为，产生巨大的社会影响，特别是对国内网络视频行业产生极大震动，对犯罪分子形成强大震慑。

中央电视台新闻频道和法治频道对案件跟踪拍摄，北京新闻频道、法治频道和《京华时报》对抓捕过程进行了拍摄和记录，并于“4.26 世界知识产权日”当天分别进行了宣传和报道。案件公布后，产生了强烈的社会反响。4月26日，人民网、百度、新浪、凤凰、搜狐、腾讯、网易等各大门户网站在首页登载案情；相关话题居新浪热门微博榜第一名、热门话题榜第三名，关注、转发人数达4万人以上；百度搜索232万个相关结果，谷歌搜索622万个相关结果；人人影视、中国高清网、CHD联盟、HDTV爱好者乐园等多家国内影视分享网站受影响先后关闭；乐视网、百事通等正规企业股价飙升。

5月7日，新闻出版广电总局局长蔡赴朝同志对该案批示肯定；5月9日，国家版权局专门致信表扬；5月7日至16日，新华网、中国广播电台、《法制日报》、《中国新闻出版报》等媒体对案件进展进行了专题报道。案件的查处有效打击犯罪分子嚣张气焰，对社会产生极大的震慑警示作用，对规范市场秩序、依法保护版权、维护国家文化安全具有十分重要的意义。

三、下一步工作

为形成完整证据链，进一步扩大战果，彻底打掉该犯罪团伙，专案组还将对提供作品下载5万次以上，并以盈利为目的的主要上传者追究刑事责任。

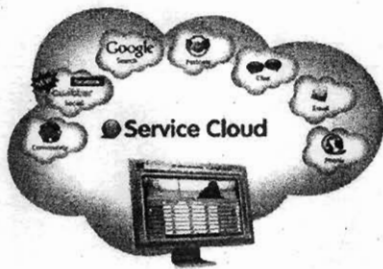
雲端時代內容保護的機會與風險

報告人
保安警察第二總隊
保智大隊副大隊長陳志忠

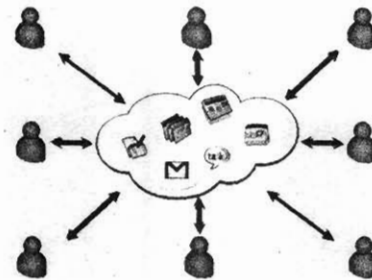
報告大綱

- 雲端可提供的服務
- 趨勢--雲端服務是必要的
- 雲端電影保護的機會與風險
- 臺灣保護智慧財產權之手段
- 臺灣以刑事手段保護智財法令簡介
- 保智大隊近3年查獲侵權案件分析及查獲網路侵權案件成果
- 比較近3年查獲各國遭侵權比例及犯罪類別統計
- 境外網站販售盜(仿)品問題探討
- 結語

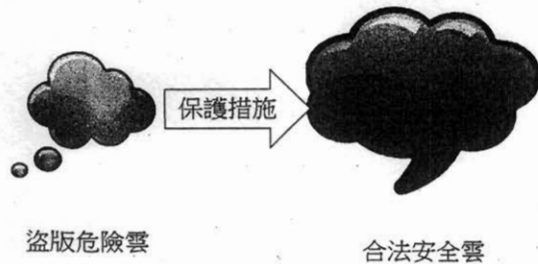
雲端可提供的服務



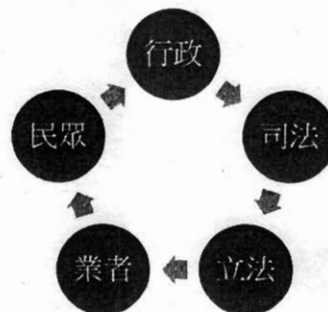
雲端服務是必要的趨勢



雲端電影保護的機會與風險



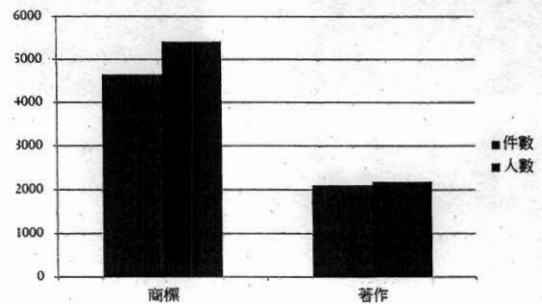
台灣保護智財權手段



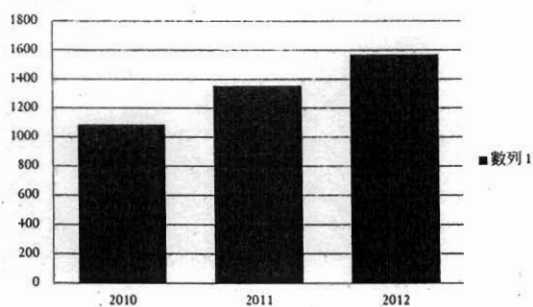
台灣以刑事手段保護的智財法令簡介

- 商標權部分：
- 著作權部分：
- 營業秘密部分：

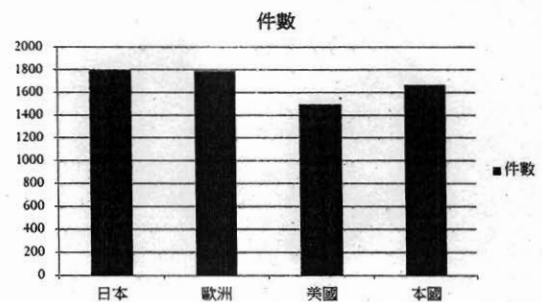
保智大隊最近三年查獲侵權案件分析



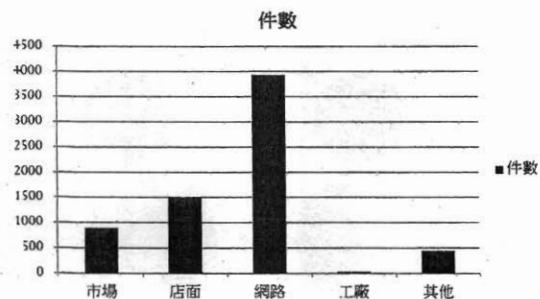
台灣保智大隊網路侵權查緝成果



比較近3年所查獲各國權利比例



近3年侵權犯罪類別統計



境外網站販售盜、仿品問題

- 重大大型侵權網站：
- 盜版、仿冒品境外輸入：
- 如何杜絕盜版、仿冒品流通：
- 如何阻絕非法視聽、音樂數位檔案之傳輸：

結論-兩岸四地加強合作

兩岸經濟合作架構協議(ECFA)，已將智慧財產保護納入協議中，另台灣與大陸訂有海峽兩岸共同打擊犯罪及司法互助協議，為強化智慧財產權保護工作，本大隊除持續提升專業職能外，亦將積極參與兩岸四地各項侵權犯罪情資交流平台，進行情資與查緝經驗分享，共同為建構兩岸四地優質知識產權環境努力。

簡報完畢敬請指教

Ryan MURRAY

**Director of Content Protection, Asia Pacific Region
Motion Picture Association, International**



Ryan Murray is Director of Content Protection, Asia-Pacific, for the Motion Picture Association, International (MPA-I). In this role, he is tasked with promoting and protecting MPA member companies' commercial and creative interests across the region through outreach, investigations and enforcement.*

To accomplish this, he manages and coordinates the content protection efforts of 13 offices throughout Asia-Pacific, working to implement the Association's global initiatives as well as develop unique regional strategies designed to ensure the success of legitimate content distribution models. He also works closely with the Vice President & Regional Operations Officer to address critical issues such as digital content theft, camcording theft and counterfeiting.

Ryan joined MPA-I in late 2010 after serving for three years in the Motion Picture Association of America's (MPAA) Content Protection Intelligence Center (CPIC), based in Los Angeles. While in CPIC, he greatly enhanced analytical and operational support to the Asia-Pacific region, and took primary responsibility for combating counterfeit optical disc sales online. He has lived and worked in China and served two years in the United States Peace Corps as a Peace Corps Volunteer in Ukraine.

Ryan holds a Bachelor's degree in Political Science and History from Valparaiso University and a Master's degree in Modern Chinese Studies from the University of Oxford. He is currently based in Singapore.

**The MPA Member Companies include:*

Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLLP; Walt Disney Studios Motion Pictures and Warner Bros. Entertainment Inc.

For more information, visit www.mpa-i.org.

助理關長吳國慶簡歷

吳國慶助理關長於一九六三年十月出生於澳門，一九八一年中學畢業於濠江中學。一九九五年修讀完“第一屆警官培訓課程”後，獲澳門保安部隊高等學校頒發“警務科學學士”學位。並於二零零五年完成修讀中國政法大學第二學士學位班法學專業，並獲授予法學士學位。

一九八二年正式加入保安部隊水警稽查隊工作。在修讀完第一屆“警官培訓課程”後，於一九九五年一月晉升為副警司。其後，分別獲晉升為警司及副警務總長，並於一九九八年完成修讀“指揮及領導課程”後，晉升為警務總長。

吳國慶曾在水警稽查局內擔任多個不同部門的工作崗位，其中包括海上巡邏廳廳長助理、關閘稽查警司處處長、離島稽查處處長、口岸監察廳廳長等。二零零一年十一月一日澳門特別行政區海關成立時，被委任為助理海關關長。

吳國慶助理關長從事多年工作至今，個人曾獲得一次表揚，三度獲公開嘉獎，並於一九九九年獲頒發專業功績勳章。



MPA Intermediary Strategy

美国电影协会针对网站中间商的策略

William Feng
Country Manager and Chief Rep. of MPA China
July 9, 2013 Macao

美国电影协会中国区总裁 冯伟
2013年7月9日 澳门

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MPA Intermediary Strategy

- February 2013-- Identified 10 most popular Chinese-language rogue sites based on the China Internet Landscape Report by a third-party vendor.
2013年2月- 通过委托第三方对中国互联网市场所做的调查研究报告, 甄选出10家侵权最严重且网络排名最高的中文三无网站。
- March 2013-- Met with Baidu and Alibaba, both were identified as intermediary of P2P network and/or advertising network, to give them a heads up about MPA intermediary strategy.
2013年3月- 与百度和阿里巴巴会议, 介绍美国电影协会即将针对向三无网站提供支持和服务的中间人开展倡议的策略, 并呼吁百度影音、百度广告联盟及阿里妈妈广告联盟停止向这些三无网站提供支持和服
- March 2013-- Met with NCAC & NAPP to seek government support to the MPA initiative.
2013年3月- 分别向全国扫黄办和国家版权局介绍美国电影协会即将针对向三无网站提供支持和服务的中间人开展倡议的策略, 并寻求政府部门的支持。
- March 2013-- Met with major market players including Youku-Tudou, Sohu Video, IQiyi, LeTV, PPTV and PPS to align with local industry and deliver consistent message.
2013年3月- 和国内主流视频网站包括优酷土豆网、搜狐视频、爱奇艺、乐视网、PPTV和PPS就正版视频产业的健康发展和版权保护等问题达成共识。

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MPA Intermediary Strategy

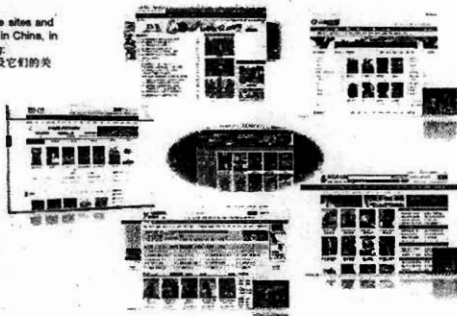
- China Launch Date: May 17, 2013 在中国开始实施的时间: 2013年5月17日

Targets 目标:

10 most popular rogue sites and their associated sites in China, in total 17 sites including:

10家排名最高的网站及它们的关联网站, 共17家:

1. 2tu.cc
2. 97ni.com
3. xubo.cc
4. dege.cc
5. ninkan.com
6. 12u.cn
7. 12u.tv
8. fdy.cc
9. kaikanba.com
10. waka.com
11. piaochua.com
12. xiaozhuy.com
13. xiaobaij.com
14. tom365.com
15. tom365.net
16. tom365.us
17. hudu123.com



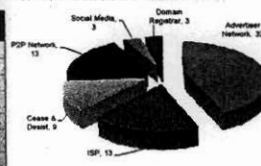
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MPA Intermediary Strategy

Intermediaries: Advertiser, ISP, P2P network, Social Media and Domain Name Registrar
中间人包括: 广告商, 网络服务商, P2P技术网络提供方, 网络社交媒体和域名注册管理商

Type of Letter/Notice	No. of Letter/Notice Sent
Advertiser Network 广告网络	32
ISP 网络服务提供商	17
Cease & Desist 网站警告	9
P2P Network	13
Social Media 网络社交媒体	3
Domain Registrar 域名注册管理商	3
Subtotal 小计	75



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MPA Intermediary Strategy

Difficulties 面临的困难

- Internet Service Provider 网络服务提供商:
 - Ignore the notices sent from MPA 对通知置之不理。
 - Suggest MPA to look for help from law enforcement and copyright bureaus. 建议美国电影协会寻求版权局和其他执法部门的帮助。
 - Reluctant to disconnect the Internet access for rogue sites. 不愿断开被投诉侵权的三无网站的互联网接入服务。
- Advertiser Network 广告渠道:
 - Reluctant to cooperate with MPA. Mostly smaller Ads broker, such as 91hul, 37cs, 7794, etc. and therefore ignore MPA's request of stopping advertising on rogue sites. 大多数小的广告渠道代理商不愿与美国电影协会沟通、配合, 例如 91hul, 37cs, 7794, 等等, 且对美国电影协会发出的要求其停止在这些三无盗版网站上投放广告的信置之不理。
 - Baidu declines to terminate the contract with their service subscribers and stop Baidu ads from appearing on the rogue sites unless having receiving government confirmation that the site offers infringing content only. 百度广告联盟不仅拒绝终止与联盟会员中盗版三无网站的会员资格, 而且不愿停止在这些三无网站上投放广告, 除非得到政府部门的通知, 确认这些三无网站上的内容都是盗版。
- P2P network P2P技术网络提供方:
 - Baidu only agrees to disconnect the site from streaming infringing content via Baidu Yingpin after receiving government's confirmation that the site offers infringing content only. 百度影音只同意根据权利人提供的链接, 阻止链接涉及的内容无法通过百度影音播放器播放, 但并不同意阻止这些网站继续通过百度影音播放器传播其他更多的侵权盗版内容, 除非得到政府部门的通知, 确认这些三无网站上的内容都是盗版。

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Thank You
谢谢!

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YANG Mengdong

Deputy Director General

Anti-Illegal & Illicit Publication Dept., State Administration of Press, Publication, Radio, Film & Television

Mr. Yang Mengdong is the Deputy Director General of Anti-Illegal & Illicit Publication Dept. of State Administration of Press, Publication, Radio, Film and Television of China. Mr. Yang has devoted himself to the fight against illegal and pirated publication since 1994. In the course of his career, he has served within various sections under the office of National Anti-Piracy & Pornography Leading Group (NAPP). Among his accomplishments is being responsible for the coordination and supervision of more than 100 major cases with nationwide influence during his 12 years' tenure within NAPP's case supervision section. NAPP honored him as the "National Outstanding Individual of Year 2007" for his contribution to the investigation and handling of major cases. In 2008 he won the National Copyright Administration's top award recognizing an individual outstanding performance in the fight against piracy.

Mr. Yang was born in June 1964. He graduated from Peking University's Literature Dept. in 1986 and holds a bachelor degree of arts.

杨梦东

国家新闻出版广电总局反非法和违禁出版物司副司长

1964年6月出生。1986年毕业于北京大学中文系，获文学士学位。1994年至今一直从事“扫黄打非”工作，先后在全国“扫黄打非”办公室的综合处、宣传处、案件督办处、协调联络处工作过，而在案件督办处工作时间前后达12年，具体负责协调、督办了上百起大案要案。获得2007年度全国“扫黄打非”办案有功个人，2008年度国家版权局查处侵权盗版案件有功个人一等奖等。现任国家新闻出版广电总局反非法和违禁出版物司副司长。

Michael KWAN

**Group Head, Intellectual Property Investigation Bureau
Hong Kong Customs & Excise Department**

Michael Kwan has been involving in technology crime investigation and digital forensics since 2000. He was the officer-in-charge of the Computer Forensic Laboratory of the Hong Kong Customs & Excise Department, responsible for the retrieval of digital evidence at the scene of crime and subsequent digital forensic analyses for court purposes. He is currently a superintendent of the Hong Kong Customs & Excise Department, overseeing criminal enforcement on intellectual property protection, including cyber and hi-tech intellectual property crime investigations.

Michael has accredited a BSc degree in Computer Science and MSc degrees in Forensic Investigation and Telecommunications. He has also obtained a PhD from the University of Hong Kong. His research area is in forensic computing and has 11 publications in this field. Michael is a founding member and is currently the vice-chairman of the Information Security & Forensics Society in Hong Kong.

關煜群

香港海關監督

關先生從 2000 年開始從事技術犯罪調查和計算機法證的實踐工作，是香港海關計算機司法鑒定所的創辦者，主要負責犯罪現場提取電子證據以及後續的數據分析及鑒定，並最終提交法庭。他目前是香港海關監督，負責知識產權保護，包括互聯網及高科技知識產權犯罪調查案件。

在取得計算機科學專業本科學歷和法證調查和通訊專業碩士學歷後，關先生進一步在香港大學取得博士學位。他的主要研究領域是計算機法證，並發表過多篇相關論文。他是香港資訊保安及法證公會的創始人之一，同時也是協會的理事成員、專家會員。

HUANG Rong-ching

Director General, the Second Security Police

黃榮清

保安警察第二總隊總隊長

學歷介紹：

- 私立中國文化大學政治學系
- 中央警察大學安全學系 42 期畢業

曾任：

- 台中市警察局副局長
- 台北市政府警察局北投分局分局長
- 台北市政府警察局萬華分局分局長
- 嘉義縣警察局局長
- 內政部警政署保安警察第六總隊副總隊長
- 內政部警政署保防室主任

任務執掌：

智慧財產權保護

- 科學工業園區安全維護（包含新竹科學園區、龍潭科學園區、中部科學園區、虎尾科學園區、后里科學園區、台南科學園區、高雄科學園區）、電廠安全維護（包含核能一廠、核能二廠、核能三廠、龍門電廠、德基電廠、興達電廠）、加工區安全維護（包含楠梓加工區、高雄加工區、屏東加工區、臨港加工區、中港加工區、潭子加工區）

WANG Ying'ou

Director General

Beijing Cultural Law Enforcement Task Force

Ms. Wang Ying'ou currently serves as the Director General of the Beijing Cultural Law Enforcement Task Force. Previously, she served as the Deputy Director General of the Beijing Administration of Industry and Commerce, where she was engaged in macroeconomic management and administrative law enforcement work. During her tenure there, she established China's first modern system for monitoring advertising, a trademark licensing system and a framework for food safety management that greatly enhanced the standards and quality of work. Since her appointment at the Beijing Cultural Law Enforcement Task Force, she has improved the system of enforcement, and promoted mechanisms for joint operation and coordination that have led to more effective management as well as increased the number of major cases being solved.

王英偶

北京市文化市场行政执法总队总队长

王英偶女士，北京市文化市场行政执法总队总队长，曾任北京市工商行政管理局副局长。从事过宏观经济管理和行政执法工作。

王英偶女士在北京市工商局工作期间，结合分管工作在全国率先建立了现代化广告监测体系、商标授权经营制度和食品安全管理框架体系，提高了工作的规范性和科学性，在社会乃至国际上产生了良好反响。任北京市文化执法总队总队长以来，理顺了执法体制机制，推进联防协作机制建设，北京市文化市场行政执法总队工作更加科学、高效，查办了一批大案要案。

Alan AO

Senior Officer, Information and Communication Technology Department

Macao Customs Service

Mr. Alan Ao holds a Master degree in Electronic Engineering from South China University of Technology. After graduation, he worked at several IT company successively, engaged in system design and development, network and systems management, etc. In 2003, he joined Macao Customs Service, as a senior officer, responsible for data center management, systems and network management, etc.

區偉麟

澳門海關 資訊通訊廳 首席高級技術員

區偉麟畢業於中國華南理工大學電子與信息學院，擁有工程學碩士學位，研究領域為信息網絡理論與應用。曾先後任職多家 IT 公司從事系統設計開發、網絡及系統管理等工作。2003 年加入澳門海關資訊通訊廳，從事數據中心管理、系統及網絡管理等工作。

CHEN Jyh-jong

Deputy Commander, Intellectual Property Rights Police (the First Squadron of the Second Security Police)

陳志忠

保護智慧財產權警察大隊副隊長

曾任：

- 保安警察第一總隊分隊長
- 臺北市政府警察局巡官
- 保安警察第二總隊中隊長

任務執掌：

管理智慧財產權相關業務

1. 貫徹執行政府保護智慧財產權政策，遴編專業查緝警力，從根斷絕盜仿製造源頭。
2. 培訓查緝網路侵權犯罪專業人才，打擊新型犯罪態樣。
3. 全天候專責查緝全國各地侵權案件。
4. 宣導教育民眾正確智慧財產權觀念。
5. 配合光碟小組查核生產工廠。

William FENG
Country General Manager and Chief Representative
Motion Picture Association in China



William Feng is the Country General Manager and Chief Representative for the Motion Picture Association (MPA) in China, where he works with Chinese government authorities and other stakeholders to improve market access and expanding the ability to promote and protect the commercial and creative interests of the MPA member companies as well as China's screen communities.

Mr. Feng has a long career with more than 20 years working experience in government and Global Fortune 500 companies both in China and the United States, serving companies and organizations such as the China Federation of Literary and Art Circles, the Smithsonian Institution, Hill and Knowlton Public Relations Worldwide, Dell China, and the Viacom China / MTV China Network.

Through his academic pursuits, he received a Bachelor of Arts degree from the Beijing Foreign Studies University and a Master of Arts degree from George Washington University.

馮偉

美国电影协会中国区总裁/首席代表

冯伟先生现为美国电影协会中国区总裁/首席代表，全面负责与相关政府部门及机构协调美国电影娱乐产业在华业务的开展和版权保护工作。

冯伟先生拥有在政府及全球财富500强企业长期工作的经验，并在美国学习工作近十年。他任职过的主要公司/机构包括：美国斯密森国家博物学院、伟达国际公关公司、戴尔公司，以及维亚康母公司/MTV电视台，等等。

冯伟先生毕业于北京外国语大学，并拥有美国乔治-华盛顿大学硕士学位。

Sam HO

Managing Director & General Manager

Hong Kong International Screen Association Limited

Sam Ho is the Managing Director and General Manager of the International Screen Association Limited (HKISA), the Hong Kong-based content protection program for the Motion Picture Association (MPA). In this role, he provides the MPA's Regional President and Managing Director logistical and technical support from Hong Kong to ensure the effective implementation of strategic initiatives in order to protect the interests of the MPA's member companies across Greater China including Taiwan.*



Sam is also a frequent speaker at seminars and symposiums which are used as platforms to educate audiences about various issues relating to copyright protection. Having served in the Hong Kong Auxiliary Police as Chief Inspector for almost three decades early in his career, he remains an active member of the International Association of Chiefs of Police in the United States. He also is a Founding Fellow of the International Institute of Management as well as the Founder and President of the International Federation of Creativity and Technology Limited (IFOCAT) and holds both an Executive MBA and an MBA in total quality management from Newport University (California).

**The MPA Member Companies include:*

Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLLP; Walt Disney Studios Motion Pictures and Warner Bros. Entertainment Inc.

Ryan MURRAY
Director of Content Protection, Asia Pacific Region
Motion Picture Association, International



Ryan Murray is Director of Content Protection, Asia-Pacific, for the Motion Picture Association, International (MPA-I). In this role, he is tasked with promoting and protecting MPA member companies' commercial and creative interests across the region through outreach, investigations and enforcement.*

To accomplish this, he manages and coordinates the content protection efforts of 13 offices throughout Asia-Pacific, working to implement the Association's global initiatives as well as develop unique regional strategies designed to ensure the success of legitimate content distribution models. He also works closely with the Vice President & Regional Operations Officer to address critical issues such as digital content theft, camcording theft and counterfeiting.

Ryan joined MPA-I in late 2010 after serving for three years in the Motion Picture Association of America's (MPAA) Content Protection Intelligence Center (CPIC), based in Los Angeles. While in CPIC, he greatly enhanced analytical and operational support to the Asia-Pacific region, and took primary responsibility for combating counterfeit optical disc sales online. He has lived and worked in China and served two years in the United States Peace Corps as a Peace Corps Volunteer in Ukraine.

Ryan holds a Bachelor's degree in Political Science and History from Valparaiso University and a Master's degree in Modern Chinese Studies from the University of Oxford. He is currently based in Singapore.

**The MPA Member Companies include:*

Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLLP; Walt Disney Studios Motion Pictures and Warner Bros. Entertainment Inc.

For more information, visit www.mpa-i.org.

Hon. SIN Chung-Kai, SBS, JP
Legislative Councillor (Hong Kong Island)

Mr. Chung-Kai Sin is an elected Legislative Councillor (HK Island) of Hong Kong serving a term of 4 years from Oct 2012 to Sep 2016.

Chung-Kai is the chairman of the Remuneration Committee and board member of the West Kowloon District Cultural Authority. Chung-Kai also serves as a board member of Hong Kong Tourism Board and the Financial Reporting Council. Chung-Kai is also a member of Radio Television Hong Kong (RTHK) Programme Advisory Panel. Chung-Kai is a life and fellow member of the Hong Kong Computer Society.

Outside of the legislature, Chung-Kai served as a member of the Independent Commission Against Corruption (ICAC) Operations Review Committee and the Witness Protection Review Board Panel from 2007 to 2012. Chung-Kai also served as a member of the Housing Authority from 2001 to 2009 and a board of director Hong Kong Mortgage Corporation Limited from 1999 to 2009. Chung-Kai was also a member of the Steering Committee of the Hong Kong Education City from 2000 to 2003 and deputy chairman of the Legislative Council's Committee on Member's Interests from 1998 to 2006.

Chung-Kai Sin also has an extensive background in information technology and economics and finance. Chung-Kai was a member of the Council for Sustainable Development from 2009 to 2013, and Greater Pearl River Delta Business Council from 2009 to 2013. He also was a member of Hong Kong University of Science and Technology from 2001 to 2007. In addition, Chung-Kai was on the Board of Directors of Hon Kong Mortgage Corporation Ltd from 1999 to 2006 as well as a member of the Hong Kong Housing Authority-Finance Committee. Chung-Kai also served as a member of Digital 21 Strategy Advisory Committee from 2004 to 2008 and the Advisory Board of the Hong Kong Wireless Technology Industry Association from 2001 to 2008.

In recognition of Chung-Kai Sin's distinguished public and community service, particularly for his contribution to the development of information technology and promotion of wider IT adoption in the business sector and the community, the Chief Executive accorded the Silver Bauhinia Star (SBS) to Mr. Chung-Kai Sin in July 2007.

Mr. Chung-Kai Sin was born and educated in Hong Kong. He obtained his Bachelor of Science degree from the University of Hong Kong in 1982 and his Master in Business Administration degree from the Chinese University of Hong Kong in 1997. Mr. Chung-Kai Sin is married with Yvonne Ying-Yee Chan. Chung-Kai and Yvonne has two sons Clement and Ryan.

Lento YIP
Chairman
Hong Kong Internet Service Providers Association

Lento Yip was elected to Chairman of the HKISPA in 2012. HKISPA's members consist of most licensed ISPs in Hong Kong. It has a mission to promote the use of Internet and advance the Internet industry through open and fair competitions and regulations.

The main contributions of Mr. Yip to the HKISPA are formulation of codes of practices for spam control and operations, advising consultative bodies, legislative councilors and the administration about proper legislation/regulations to facilitate the development of the Internet industry, implementing public education programs to youths and parents about online safety. Under his leadership, the HKISPA will embark on efforts to promote use of online tools to SMEs in Hong Kong, and to brand and promote the local Internet service industry to enterprise customers in China.

Mr. Yip co-founded Netfront Information Technology Limited, one of the early ISPs in HK, in 1997. The company was acquired by Liberty Global Inc. in 2008, where Mr. Yip continues to serve as Managing Director of the company.

Mr. Yip graduated with degree in Information Technology and master degree in Economics. He is a free market advocate.

Joe LAM

Chief Executive Officer of Alive! Media & Communications Limited (HKGolden.com)

Present and Founding Chairman of Online Service Providers Alliance

Council of Internet Professional Association

Advisor of Hong Kong Internet Service Providers Association

Lam Cho Shun, born in 1979, graduated from the Hong Kong Baptist University Computer Science (Information Systems) in 2003.

The Chief Executive Officer of Alive! Media & Communications Limited (HKGolden Forum). HKGolden Forum is one of the most representative forums in Hong Kong. He advocates the localized discussion forum, promotes the freedom of expression and creativity on the Internet.

In 2010, he form the Online Service Providers Alliance (OSPA) with the Internet Professional Association (iProA) and several prominent local sites, and served as founding chairman to promote the development of online service and enhance the communications among the Government, industry stakeholders and Internet users.

His book is widely welcomed by young people "是咁的，我是高登 CEO".

林祖舜

活現媒體傳播有限公司(香港高登討論區)行政總裁

網上服務供應商聯盟 創會及現任會長

互聯網專業協會 常務理事

香港互聯網供應商協會 顧問

林祖舜，1979 年出生，2003 年畢業於香港浸會大學計算機科學(資訊系統)。

現任活現媒體傳播有限公司(香港高登討論區)行政總裁，在其香港高登討論區上，主張討論區系統本地化，提倡獨立自主的方針令香港高登討論區成為香港最具代表性的討論區之一。

於 2010 年，林祖舜聯同互聯網專業協會及多個本地著名網站，創立網上服務供應商聯盟，並出任創會會長，致力於推動網上服務發展及促進政府、業界和網民的溝通。

其著作包括廣受青年人歡迎的《是咁的，我是高登 CEO》。

Edmon CHUNG

CEO, DotAsia Organisation

Secretariat, Asia Pacific Regional Internet Governance Forum

Edmon Chung is serving as the CEO for DotAsia Organisation and heads the secretariat for the Asia Pacific Regional Internet Governance Forum (APrIGF). Edmon currently Co-Chairs the ICANN Joint ccNSO/GNSO IDN Working Group (JIG) and participates extensively on Internet governance issues.



Since 2002, Edmon played a leadership role in the region-wide .Asia initiative, bringing together an open membership of 29 official country-code top-level domain authorities and regional Internet bodies. DotAsia is a not-for-profit organization with a mandate to promote Internet development and adoption in Asia. Since its launch in 2008, DotAsia has contributed significantly to a variety of community projects in Asia, including for example: OLPC.asia, Relief.Asia, CreativeCommons.Asia, ISIF.Asia, NetMission.Asia, Paragon100.Asia, MaD.Asia and others.

Edmon is an inventor of patents underlying technologies for internationalized domain names (IDN) and email addresses on the Internet. Edmon has served on many global IDN related committees, including technical and policy groups, that made it possible for the introduction of multilingual domain names and email addresses on the Internet. Edmon founded Neteka Inc. in partnership with the University of Toronto Innovations Foundation in 1999, and went on to win the Most Innovative Award in the Chinese Canadian Entrepreneurship Award in 2001. In 2000, Edmon was selected by *The Globe and Mail* as one of the Young Canadian Leaders. Between 2007 and 2010, Edmon served as an elected member on the ICANN GNSO Council. Between 2010 and 2012, Edmon served as an elected member on the ICANN At-Large Advisory Committee (ALAC) from the Asia Pacific Region. Between 2006 and 2011, Edmon served as an elected member of the Elections Committee of the Hong Kong Special Administrative Region in the Information Technology Subsector.

Edmon has a Bachelor of Applied Science and Master of Engineering from the University of Toronto.

鍾宏安先生現任 DotAsia 亞洲域名註冊機構的行政總裁。鍾先生還擔任互網聯界內多個重要職位，包括亞太區互聯網治理論壇 (APrIGF) 秘書長、ICANN 國碼及通用頂級域名理事會多語言域名聯合會 (JIG) 主席等。

鍾先生是國際化域名 (Internationalized Domain Name) 及互聯網電郵地址技術等的發明者並取得多項專利。他在 1999 年，與多倫多大學創新基金合作，創立了 Neteka 公司，接著在 2001 年獲得加拿大華裔企業家選舉的最具創新精神獎。他曾在 2000 年獲《環球郵報》(The Globe and Mail) 選為加拿大青年領袖之一。在 2002 年，他開始參與 DotAsia 創辦的工作，創立首個在亞洲營運的通用頂級域名，並於 2006 年起，出任行政總裁。

Michael KWAN

**Group Head, Intellectual Property Investigation Bureau
Hong Kong Customs & Excise Department**

Michael Kwan has been involving in technology crime investigation and digital forensics since 2000. He was the officer-in-charge of the Computer Forensic Laboratory of the Hong Kong Customs & Excise Department, responsible for the retrieval of digital evidence at the scene of crime and subsequent digital forensic analyses for court purposes. He is currently a superintendent of the Hong Kong Customs & Excise Department, overseeing criminal enforcement on intellectual property protection, including cyber and hi-tech intellectual property crime investigations.

Michael has accredited a BSc degree in Computer Science and MSc degrees in Forensic Investigation and Telecommunications. He has also obtained a PhD from the University of Hong Kong. His research area is in forensic computing and has 11 publications in this field. Michael is a founding member and is currently the vice-chairman of the Information Security & Forensics Society in Hong Kong.

關焯群

香港海關監督

關先生從 2000 年開始從事技術犯罪調查和計算機法證的實踐工作，是香港海關計算機司法鑒定所的創辦者，主要負責犯罪現場提取電子證據以及後續的數據分析及鑒定，並最終提交法庭。他目前是香港海關監督，負責知識產權保護，包括互聯網及高科技知識產權犯罪調查案件。

在取得計算機科學專業本科學歷和法證調查和通訊專業碩士學歷後，關先生進一步在香港大學取得博士學位。他的主要研究領域是計算機法證，並發表過多篇相關論文。他是香港資訊保安及法證公會的創始人之一，同時也是協會的理事成員、專家會員。

Clarence LO
Vice President – Asia Pacific
Warner Home Entertainment

Clarence Lo is Vice President – Asia Pacific, Warner Home Entertainment, overseeing Video, Digital Distribution and Gaming in Asia Pacific region. He is responsible for regional P&L for licensee territories in the APAC region - including, Hong Kong, Singapore, Taiwan, Thailand, Malaysia, Indonesia, Vietnam, South Korea, Philippines and China.

Before taking on this role, Clarence was Managing Director, Warner Home Video Hong Kong and Taiwan; a division of Warner Brothers Far East Ltd.

Clarence has over 25 years of extensive experience in General management, Business Development, Sales & Marketing covering countries in Greater China and South East Asia. Before joining WHV, Clarence worked in the senior management capacity in various US multinational FMCG companies. Previously, he was the Business Development Director of Seagram Asia Pacific, General Manager of Gillette Taiwan Inc. Other companies he had worked for including, Duracell, Campbell Soup and Polaroid Far East Ltd.

Jane TING

Senior Legal Counsel

Television Broadcasts Limited

Jane Ting is the Senior Legal Counsel of Television Broadcasts Limited. She has joined the company in 2003 and has worked in many diverse areas of intellectual property work. She is now mainly responsible for online copyright enforcement actions, domain name disputes and trade mark infringement matters.

Sam HO

Managing Director & General Manager

Hong Kong International Screen Association Limited

Sam Ho is the Managing Director and General Manager of the Hong Kong International Screen Association Limited (HKISA), the Hong Kong-based content protection program for the Motion Picture Association (MPA). In this role, he provides the MPA's Regional President and Managing Director logistical and technical support from Hong Kong to ensure the effective implementation of strategic initiatives in order to protect the interests of the MPA's member companies across Greater China including Taiwan.*



Sam is also a frequent speaker at seminars and symposiums which are used as platforms to educate audiences about various issues relating to copyright protection. Having served in the Hong Kong Auxiliary Police as Chief Inspector for almost three decades early in his career, he remains an active member of the International Association of Chiefs of Police in the United States. He also is a Founding Fellow of the International Institute of Management as well as the Founder and President of the International Federation of Creativity and Technology Limited (IFOCAT) and holds both an Executive MBA and an MBA in total quality management from Newport University (California).

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